

**UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

CITY OF DURHAM, NORTH  
CAROLINA,

Defendant.

Case No. 1:24-cv-838

**JOINT MOTION TO STAY ALL CASE MANAGEMENT DEADLINES**

Plaintiff United States of America and Defendant City of Durham, North Carolina respectfully move the Court to stay all applicable case management deadlines pending the Court's resolution of the Parties' Joint Motion for Provisional Approval and Entry of Consent Decree, Dkt. No. 2.<sup>1</sup> In support of this Motion, the Parties state as follows:

1. On October 7, 2024, the United States filed a Complaint commencing this action, together with the Joint Motion for Provisional Approval and Entry of Consent Decree and the Parties' executed Consent Decree. *See* Dkt. Nos. 1–3.
2. On December 16, 2024, the Court held a Motion Hearing at which it directed the Parties to submit supplemental briefing “to address the application, or not, of *Ricci* and if *Ricci* does apply, why there is a strong basis in evidence.” Dec. 16, 2024 Minute Entry. That briefing is due on January 15, 2025.

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<sup>1</sup> The Parties do not request that the Court stay or extend any deadline related to the supplemental briefing that is due on January 15, 2025.

3. Under Federal Rule of Civil Procedure 4(m), the United States has until January 6, 2025 to serve the Summons and Complaint on the City of Durham. To conserve the Parties' resources, the United States has not yet served the City by "delivering a copy of the summons and of the complaint to its chief executive officer," as required when serving a state or local government. Fed. R. Civ. P. 4(j)(2).
4. To further conserve the Court's and the Parties' resources, the Parties request that the Court stay all applicable case management deadlines pending the Court's resolution of the Joint Motion for Provisional Approval and Entry following the submission of supplemental briefing. *See Seneca Ins. Co., Inc. v. Fayetteville Cross Creek, LLC*, 528 F. Supp. 3d 397, 403 (M.D.N.C. 2021) (noting that the Court "has the inherent power to stay proceedings to achieve equity and to ensure the efficient management of its docket") (internal quotation marks and citations omitted).

For the foregoing reasons, the Parties respectfully request that the Court grant their Motion and stay all applicable case management deadlines, including the United States' deadline to serve the Summons and Complaint on the City of Durham, pending the Court's resolution of the Joint Motion for Provisional Approval and Entry of Consent Decree. A proposed order is attached.

Dated: December 19, 2024

Respectfully submitted,

**FOR PLAINTIFF UNITED STATES OF AMERICA:**

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**CERTIFICATE OF SERVICE**

I hereby certify that on December 19, 2024, I electronically filed the foregoing Joint Motion to Stay All Case Management Deadlines using the Court's CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ Robert Rich